

Remarks

Claims 1-3 are pending in the subject application. By this Amendment, claims 1 and 3 have been amended to clarify that the anti-fuse is formed **on** the second contact plug in the second via hole. Support for this amendment can be found, at least, at paragraphs [0022]-[0023]. The previous amendment to claims 1 and 3 incorporating “vertically arranged” has been removed. No new matter has been introduced. Upon entry, claims 1-3 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested.

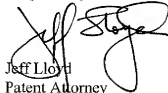
Claims 1-3 are rejected under 35 USC §103(a) as being unpatentable over Lehmann *et al.* (U.S. 2004/0217441) in view of Lee (U.S. 5,208,177), and, in an alternative rejection, in view of Lee and Ghandi *et al.* (U.S. 6,448,631). Applicant respectfully requests reconsideration.

The claimed invention incorporates an anti-fuse formed in a second via hole of the second insulating layer. As reflected in amended claims 1 and 3, the claimed anti-fuse is formed on the second contact plug. In contrast, the anti-fuse **126** of Lehman *et al.* is formed in a second via hole (the via hole filled with **161**; Fig. 11) of the second insulating layer on the intermediate electrode **123**. In fact, as illustrated in Fig. 11 of Lehmann *et al.*, the anti-fuse **126** is formed under the second contact plug **127**. Therefore, Lehmann *et al.* fails to teach or suggest anti-fuse formed on the second contact plug in the second via hole as specified in amended claims 1 and 3. Lee and Ghandi *et al.* do not cure this defect. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-3.

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

Should any issues remain or should the Examiner believe that a telephonic conference with Applicant's attorney would be helpful in expediting prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Lloyd", written over a circular stamp or seal.

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